IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

OP.No. 174 of 1999(U)

PETITIONER:

RAJAPPAN, S/O. KUNJUKUNJU,
PADINJATTEDATHU PUTHENVEEDU,
CHANNAPETTA P.O.,
ALAYAMON, KOLLAM DISTRICT.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:
---

1. STATE OF KERALA REP. BY ITS SECRETARY
TO GOVERNMENT, DEPARTMENT OF FOREST AND WILD LIFE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIVISIONAL FOREST OFFICER, PUNALUR,
KOLLAM DISTRICT.

3. THE FOREST RANGE OFFICER, ANCHAL,
KOLLAM DISTRICT.

BY GOVERNMENT PLEADER SRI.M.R. SABU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.251 OF 1999 IN OP.NO.174 OF 1999-U

DISMISSED

12.9.2007. SD/= ANTONY DOMINIC, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE LICENSE NO.129/81-82 DTD 14.9.81 ISSUED BY THE ALAYAMON PANCHAYATH.

EXT.P2 COPY OF NOTICE NO.PR.6750/98 DTD.10.12.98 ISSUED BY THE R2.

EXT.P3 COPY OF NOTICE NO.AR2-1365/98 DTD 28.11.98 ISSUED BY R3.

EXT.P4 COPY OF THE ORDER OF INTERIM STAY OF THIS COURT IN CMP.NO.44067/98 IN OP.25068/98 DTD 16.12.98.

/TRUE COPY/

cl

ANTONY DOMINIC, J.

O.P.NO.174 OF 1999-U

Dated this the 12th day of September, 2007.

JUDGMENT

The challenge in this writ petition is against the notices that were issued to the petitioner directing closure of the saw mill. These notices were issued presumably on the basis of the direction issued by the Apex Court in W.P.C.No.202/1995 (T.N.Godavarman Thirumulpad v. Union of India (AIR 1997 SC 1228). At the time of admission, this Court passed an interim order of stay and this order continues even today.

2. When the case was taken up for hearing, the Government Pleader made available a copy of the order dated 15.11.1999. As per this Government Order, an industry which is situated in 5 kms radius from forest area, is eligible for industrial license subject to production of non-objection certificate from the Divisional Forest Officer.

3. In view of this, I dispose of this writ petition directing that it

will be open to the petitioner to obtain a non-objection certificate as contemplated under the Government Order dated 15.11.1999 and make an application to the authority concerned. If non objection certificate is obtained and the application for license is submitted, at any rate, within a period of six weeks from today, until orders are passed thereon, the interim order dated 5.1.1999 passed by this Court will continue in force.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

cl

ANTONY DOMINIC, J.

O.P.NO.174 OF 1999-U

JUDGMENT

12th September, 2007.